

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION (LAFAYETTE)**

-----X
THE LAFAYETTE LIFE INSURANCE COMPANY, :
MERCY RIDGE, INC., AMERICAN BANK, and all :
others similarly situated, :
: Plaintiffs, :
: - against - : No. 4:09-CV-64-TLS-APR
: :
CITY OF MENASHA, WISCONSIN, a municipal :
corporation, MENASHA UTILITIES, MENASHA :
STEAM UTILITY, and RBC CAPITAL MARKETS :
CORP. f/k/a RBC DAIN RAUSCHER, INC., :
: Defendants. :
-----X

**NOTICE IN RESPONSE TO PLAINTIFFS' NOTIFICATION OF SETTLEMENT OF
CLASS ACTION**

Defendants City of Menasha, Menasha Utilities and Menasha Steam Utility (“Menasha”) respectfully submit this notice in response to the notice filed by plaintiffs today pursuant to Local Rule 16.1(g). See Dkt. No. 124.

Plaintiffs’ notice, which was filed without consultation with or even notice to the City, contains certain inaccuracies that Menasha wishes to bring to the Court’s attention. The parties have exchanged an unsigned, non-binding term sheet containing the material terms of a possible class-wide settlement of this suit. A settlement, however, is subject to various contingencies, including: (1) execution of a definitive class action settlement agreement, and (2) the closing of a separate transaction that has not taken place, the proceeds of which are to be applied to the proposed settlement. A settlement

would also be contingent on certification of a class and approval by the Court, and various other conditions to be set forth in the settlement agreement.

Dated: February 18, 2011

/s/ Alice J. Springer

Brian E. Casey
Alice J. Springer
BARNES & THORNBURG LLP
600 1st Source Bank Center
100 North Michigan Street
South Bend, IN 46601
Phone: (574) 233-1171
Facsimile: (574) 237-1125
E-mail: brian.casey@btlaw.com

Edward J. Fuhr
Joseph J. Saltarelli
Trevor Cox
HUNTON & WILLIAMS LLP
951 E. Byrd Street
Riverfront Plaza, East Tower
Richmond, Virginia 23219
804-788-8200 (telephone)
804-788-8218 (facsimile)

*Attorneys for Defendants City of Menasha,
Menasha Utilities, and Menasha Steam
Utility*

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Michael A. Wukmer, Esq.
Mark R. Alson, Esq.
ICE MILLER LLP
One America Square, Suite 2900
Indianapolis, IN 46282

Christian T. Kemnitz, Esq.
Alyx S. Pattison, Esq.
Brian J. Poronsky, Esq.
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe St.
Chicago, IL 60661-3693

/s/ Alice J. Springer